

S.R. 596 - by Clower: Extending welcome to North Garland High School Student Council Representatives.

S.R. 598 - by Snelson: Extending congratulations to Miss Annie McElroy.

S.R. 600 - by Farabee: Extending welcome to Henrietta High School Student Council Officers.

S.R. 601 - by Aikin: Extending welcome to Dr. and Mrs. Ross Alsup.

S.R. 602 - by Clower: Extending congratulations to Chief George Whitewater and the Kickapoo Indians.

ADJOURNMENT

On motion of Senator Aikin the Senate at 1:24 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, May 2, 1977.

APPENDIX

Sent to Governor

(April 28, 1977)

S.C.R. 73

S.B. 920

SIXTIETH DAY

(Monday, May 2, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Absent-excused: Meier, Snelson.

A quorum was announced present.

The Reverend Ed Spivey, First Baptist Church, Mexia, Texas, offered the invocation as follows:

Heavenly Father,

We thank Thee for the men who serve the people of Texas in this assembly. Grant wisdom in their deliberations today, and may their decisions please Thee as they benefit the people of this state.

Give us courage for our convictions, and let Thy will be done in us. The future is Thine to command, so we ask that we be given the divine guidance we need to become all You want us to be. In Christ's Name, Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 28, 1977, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Snelson was granted leave of absence for today on account of important business on motion of Senator Sherman.

Senator Meier was granted leave of absence for today on account of inclement weather on motion of Senator Adams.

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1298 by Traeger State Affairs
Relating to primary elections and conventions held by political parties; changing the dates of the primaries and certain conventions and related actions; amending Section 181, Subsection (c) of Section 205, and Subsection (a) of Section 235, Texas Election Code, as amended (Articles 13.03, 13.27, and 13.58, Vernon's Texas Election Code).

S.B. 1299 by Harris Economic Development
Requiring persons engaged in the business of distributing or supplying motion pictures to exhibitors by rental, sale or licensing in this State to employ certain bidding procedures in order to promote fair and effective competition in the business of motion picture distribution and exhibition within the State; and declaring an emergency.

S.B. 1300 by McKnight State Affairs
Relating to the transfer of the East Texas Chest Hospital, and all its land, buildings, facilities, improvements, equipment, supplies, and property, from the governance of the Texas Board of Health Resources to the governance of the Board of Regents of The University of Texas System; transferring legislative appropriations and other funds accordingly; ratifying all contracts entered into by and for the hospital; authorizing the hospital to be used as a teaching hospital and authorizing a change of its name; reaffirming the hospital's status as the principal state research, training, and treatment facility with respect to all chest diseases; reaffirming the hospital's function as a "state tuberculosis hospital"; repealing certain parts of the Texas Tuberculosis Code (Article 4477-11, Vernon's Texas Civil Statutes); authorizing certain contracts and outpatient arrangements for the treatment of tuberculosis patients; repealing all or certain parts of Chapter 51, Acts of the 59th Legislature, Regular Session, 1965, and Chapter 258, Acts of the 61st Legislature, Regular Session, 1969, as amended (Articles 4477-12 and 4477-13, Vernon's Texas Civil Statutes), and all other laws or parts of laws in conflict with this Act; providing an

effective date; providing a severability and savings clause; and declaring an emergency.

S.B. 1301 by McKnight Intergovernmental Relations
Relating to the compensation and membership of the Hunt County Juvenile Board; amending Sections 1 and 4, Chapter 305, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 5139CC, Vernon's Texas Civil Statutes).

S.B. 1302 by McKnight State Affairs
Relating to compulsory inspection of certain vehicles, inspection stations, inspectors, and uniform standards of safety; amending Subsections (a), (b), (e), (f), and (g) of Section 140, Subsections (a), (b), (c), (d), (e), and (f) of Section 141, and Section 142, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes).

S.B. 1303 by Ogg State Affairs
Relating to compromise and settlement of certain taxes due the State of Texas by the Comptroller of Public Accounts; amending Chapter 1, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Article 1.032A; repealing Article 1.13A, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

S.B. 1304 by Hance Natural Resources
Relating to exclusion of certain lands from noxious weed control districts; amending Chapter 369, Acts of the 54th Legislature, 1955, as amended (Article 135c, Vernon's Texas Civil Statutes), by adding Section 19A.

S.B. 1305 by McKnight Education
Relating to the student loan program; providing for the Coordinating Board, Texas College and University System, to adopt rules necessary for participation in the federal program of insured loans to graduate students in health professions schools; amending Subsection (b), Section 52.54, Texas Education Code, as amended.

S.B. 1306 by Creighton Intergovernmental Relations
Relating to the authority of certain hospital authorities to sell property to other political subdivisions; amending Section 6, Chapter 472, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 4437e, Vernon's Texas Civil Statutes).

REPORT OF STANDING COMMITTEE

Senator Creighton submitted the following report for the Committee on Economic Development:

S.B. 1261 (Amended)
S.B. 1256
C.S.S.B. 1138 (Read first time)
C.S.S.B. 733 (Read first time)
C.S.S.B. 995 (Read first time)

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.C.R.	1	S.B.	362
S.C.R.	63	S.B.	484
S.C.R.	67	S.B.	561
S.C.R.	68	S.B.	688
S.C.R.	71	S.B.	731
S.B.	102	S.B.	806
S.B.	252	S.B.	1042
S.B.	284		

SENATE CONCURRENT RESOLUTION 94

Senator Longoria offered the following resolution:

S.C.R. 94, Commending accomplishments of Servicio Informativo en Espanol broadcast network.

The resolution was read.

On motion of Senator Longoria and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM THE HOUSE

House Chamber
May 2, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 322, A bill to be entitled An Act relating to certification requirements for marine firemen by the Commission on Fire Protection Personnel Standards and Education and providing a penalty for violations, amending Section 6, Chapter 668, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4413(35), Vernon's Texas Civil Statutes), by adding Subsections (h) and (i).

H.B. 624, A bill to be entitled An Act relating to the authority of certain counties and cities with regard to criminal justice facilities; amending Section 1, Chapter 650, Acts of the 64th Legislature, 1975 (Article 2370c-2, Vernon's Texas Civil Statutes).

H.B. 1046, A bill to be entitled An Act relating to workmen's compensation for employees of The Texas A & M University System; amending Sections 13, 14, and 15 of Chapter 229, Acts of the 50th Legislature, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes).

H.B. 1070, A bill to be entitled An Act relating to the acceptance by the Parks and Wildlife Department of certain land for park purposes.

H.B. 1338, A bill to be entitled An Act relating to certain works of art delivered to art dealers; amending Subsection (c) of Section 2.326, Business and Commerce Code.

H.B. 1660, A bill to be entitled An Act relating to qualifications of election judges, clerks, and watchers and to absentee voting by election officers who expect to serve outside the precinct of their residence on election day; amending Section 17 and Paragraph (a), Subdivision 1, Section 37, Texas Election Code, as amended (Articles 3.03 and 5.05, Vernon's Texas Election Code).

H.B. 1646, A bill to be entitled An Act relating to the disposition of money collected or received by the Texas Department of Agriculture.

H.B. 1591, A bill to be entitled An Act amending Article 21.28-C, Texas Insurance Code, the Texas Property and Casualty Insurance Guaranty Act, as amended, to add a provision concerning advertisement by insurers that their policies are protected under the Act; and declaring an emergency.

H.B. 1557, A bill to be entitled An Act relating to common trust funds and their acquisition by a custodian of property for a minor; amending Subsection (n) of Section 1 and Subsection (f) of Section 4, Texas Uniform Gifts to Minors Act, as amended (Article 5923-101, Vernon's Texas Civil Statutes); amending Section 1, Uniform Common Trust Fund Act (Article 7425b-48, Vernon's Texas Civil Statutes).

H.B. 1536, A bill to be entitled An Act relating to the fee for a duplicate motor vehicle license receipt; amending Section 12a, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-12a, Vernon's Texas Civil Statutes).

H.B. 1456, A bill to be entitled An Act relating to the elimination of a special archery season in Blanco County; amending Chapter 116, Parks and Wildlife Code, as amended, by adding Section 116.002; repealing Subchapter B, Chapter 116, Parks and Wildlife Code, as amended.

H.B. 1092, A bill to be entitled An Act relating to the creation, jurisdiction, administration, and procedures of the County Court at Law No. 4 of El Paso County.

H.B. 1382, A bill to be entitled An Act relating to the creation, jurisdiction, administration, and procedures of the County Civil Court at Law No. 2 of Tarrant County.

H.B. 1416, A bill to be entitled An Act relating to the procedural requirements applicable to the issuance of bank charters; adding Subsection (d) to Section 21, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

H.B. 2181, A bill to be entitled An Act relating to the compensation of the directors of the Tarrant County Water Control and Improvement District No. 1.

H.B. 2147, A bill to be entitled An Act relating to the creation, jurisdiction, administration, and procedures of the County Court at Law of Reeves County and the jurisdiction of the County Court of Reeves County; making other provisions relative to the courts in Reeves County.

H.B. 2142, A bill to be entitled An Act relating to the creation, jurisdiction, administration, and procedures of the County Court of Dallas County at Law No. 5; making other provisions relative to the County Courts of Dallas County at Law.

Pursuant to S.C.R. No. 3, the Chair appoints the following:

Von Dohlen

Wyatt

Browder

H.B. 2159, Relating to the applicability of the Uniform Wildlife Regulatory Act to the wildlife resources of Camp County; amending Section 132.001, Parks and Wildlife Code; repealing Subchapters B, C, and D of Chapter 132, Parks and Wildlife Code.

H.B. 2191, Authorizing the City of San Antonio to apply for and accept a grant to establish, operate, and maintain a foreign trade zone; and declaring an emergency.

H.B. 2059, A bill to be entitled An Act relating to the filing of lawsuits by creditors in counties other than where the contract was made or where the debtor resides; amending Chapter 17 and 17.46, Texas Business and Commerce Code, commonly known as The Deceptive Trade Practices Act; and declaring an emergency.

H.B. 1963, A bill to be entitled An Act relating to venue in a prosecution for rape; amending Article 13.15, Code of Criminal Procedure, 1965, as amended.

H.B. 1788, A bill to be entitled An Act relating to the procedure for accepting a voter at the polling place; permitting combination of the signature roster, the poll list, and other forms on the list of registered voters; eliminating the March 1 date for preparation of list registered voters; amending Section 16, Subdivision 2 of Section 48a, Subsection (1) of Section 51a, Subdivision 2 of Section 90, Section 91, Paragraphs 1, 2, 3, and 4 of Subsection (a) of Section 111b, and Section 113, Texas Election Code, as amended (Articles 3.02, 5.16a, 5.19a(1), 8.08, 8.09, 8.29b(a), and 8.31, Vernon's Texas Election Code); repealing Section 199, Texas Election Code, as amended (Article 13.21, Vernon's Texas Election Code).

H.B. 1772, A bill to be entitled An Act relating to an inspection certificate for a motor vehicle; amending Section 140, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), by amending Subsection (e) and redesignating Subsection (f) as added by Section 8, Chapter 607, Acts of the 63rd Legislature, Regular Session, 1973, as Subsection (i).

H.B. 1712, A bill to be entitled An Act relating to the authority of the Secretary of State to certify voting devices; amending the Texas Election Code as amended, by adding Section 82a; and declaring an emergency.

H.B. 1666, A bill to be entitled An Act relating to investment of the Permanent School Fund; amending Sections 15.02 and 15.03, Texas Education Code; and declaring an emergency.

H.B. 1662, A bill to be entitled An Act relating to permits of salt water haulers, providing that the Railroad Commission may suspend or refuse to renew such permits under certain conditions; amending Section 24.018, Salt Water Haulers Act (Vernon's Texas Codes Annotated, Water Code).

H.B. 2132, A bill to be entitled An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under

Article XVI, Section 59, of the Texas Constitution, to be known as "NORTHWEST FOREST MUNICIPAL UTILITY DISTRICT", and declaring the district a governmental agency and body politic and corporate; finding the boundaries form a closure, and related matters; providing that confirmation election is not required; providing that no exclusion hearing is required; defining the boundaries; conferring on district the rights, powers, privileges, authority, and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Texas Water Code, where not in conflict with the Act, and adopting same by reference; naming the first directors and providing for filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article XVI, Section 59(d), of the Texas Constitution, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

H.B. 1747, A bill to be entitled An Act creating Llano Estacado water district as a conservation district, under Article 16, Section 59 of the Texas Constitution, declaring the district a governmental agency, body politic and corporate, finding the field notes and boundaries form a closure, finding benefit to all property within the district, defining the boundaries, established for the purpose of providing a source of water supply for municipal, domestic, agricultural, commercial and industrial use, and diverting, impounding, storing, treating, and transporting the same, and acquiring, constructing and operating water facilities; providing for the exercise of powers granted by Chapter 25 of the Texas Water Code to districts created under Article XVI, Section 59 of the Texas Constitution; providing for a board of directors for the government of said district; providing the means of annexing additional territory to said district; and levying maintenance tax, authorizing the district to obtain permits from the Texas Water Rights Commission and from owners of permits; requiring supervision of the Texas Water Rights Commission; authorizing the district to acquire any interest in land for its purpose by condemnation; providing that any construction contract in excess of \$5,000 should be made only after publication of notice; authorizing the district to issue bonds and providing for the payment and security thereof; providing that said bonds shall be payable either from ad valorem taxes or revenues, or a combination of ad valorem taxes and revenues; authorizing the issuance of refunding bonds; authorizing the execution of trust indentures or deeds of trust to secure bonds payable from revenues or partly from revenues; providing for elections approving the issuance of bonds payable wholly or partially from ad valorem taxes; authorizing the district to enter into contracts with public agencies, political subdivisions, and others, including specifically the cities of Adrian and Vega, and Wildorado water supply corporation for any purpose relating to the district's powers and functions, including supplying water to them, and for operation of the district's water facilities; authorizing all public agencies and political subdivisions, including specifically the cities of Adrian and Vega, and Wildorado water supply corporation, to contract with and convey land or any interest therein to the district; providing for the approval of bonds issued by the district by the Attorney General and registration of bonds by the Comptroller of Public Accounts of the State of Texas; supervision by the Texas Water Rights Commission; prescribing other powers and duties of the district; providing a severability clause; and declaring an emergency.

H.B. 2180, A bill to be entitled An Act creating Upton County Water District as a conservation district, under Article XVI, Section 59 of the Texas Constitution, declaring the district a governmental agency, body politic and corporate, with boundaries coterminous with the boundaries of Upton County, finding benefit to all

property within the district, defining the boundaries, established for the purpose of providing a source of water supply for municipal, domestic, agricultural, commercial and industrial use, and diverting, impounding, storing, treating, and transporting the same, and acquiring, constructing and operating water facilities; providing for the exercise of powers granted by Chapter 25 of the Texas Water Code to districts created under Article XVI, Section 59 of the Texas Constitution; providing for a board of directors for the government of said district; providing the means of annexing additional territory to said district; and levying maintenance tax, authorizing the district to obtain permits from the Texas Water Rights Commission and from owners of permits; requiring supervision of the Texas Water Rights Commission; authorizing the district to acquire any interest in land for its purpose by condemnation; providing that any construction contract in excess of \$5,000 should be made only after publication of notice; authorizing the district to issue bonds and providing for the payment and security thereof; providing that said bonds shall be payable either from ad valorem taxes or revenues, or a combination of ad valorem taxes and revenues; authorizing the issuance of refunding bonds; authorizing the execution of trust indentures or deeds of trust to secure bonds payable from revenues or partly from revenues; providing for elections approving the issuance of bonds payable wholly or partially from ad valorem taxes; authorizing the district to enter into contracts with public agencies, political subdivisions, and others, including specifically the cities of McCamey and Rankin for any purpose relating to the district's powers and functions, including supplying water to them, and for operations of the district's water facilities; authorizing all public agencies and political subdivisions, including specifically the cities of McCamey and Rankin, to contract with and convey land or any interest therein to the district; providing for the approval of bonds issued by the district by the Attorney General and registration of bonds by the Comptroller of Public Accounts of the State of Texas, supervision by the Texas Water Rights Commission; prescribing other powers and duties of the district; providing a severability clause; and declaring an emergency.

H.B. 2141, A bill to be entitled An Act relating to the creation, jurisdiction, administration, and procedures of the County Criminal Courts Nos. 6 and 7 of Dallas County and making other provisions relative to the County Criminal Courts of Dallas County.

H.B. 1945, A bill to be entitled An Act relating to the creation of the Somervell County Juvenile Board; providing for board membership and compensation and for a juvenile officer.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 363 RECOMMITTED

On motion of Senator Creighton and by unanimous consent, **C.S.S.B. 363** was recommitted to the Committee on Economic Development.

SENATE BILL 1275 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment: (The bill having been set as Special Order at conclusion of Morning Call today.)

S.B. 1275, Relating to worker's compensation regulations and benefits; amending Section 12c of Article 8306, Revised Civil Statutes of Texas, 1925, as amended; amending Section 12c-1 of Article 8306, Revised Civil Statutes of Texas, 1925, as amended; amending Article 8306, Revised Civil Statutes of Texas, 1925, as amended, by adding thereto a new Section designated as Section 12c-1a; amending Subsection (c), Section 29, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; amending Subsection (a), Section 7-e, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; amending Section 9 of Article 8306, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

On motion of Senator Farabee and by unanimous consent, consideration of **S.B. 1275** was temporarily postponed.

SENATE BILL 631 ON SECOND READING

On motion of Senator Hance and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 631, Relating to the authority of a corporation to make a guaranty; amending Article 2.06, Texas Miscellaneous Corporation Laws Act, as amended (Article 1302-2.06, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

SENATE BILL 631 ON THIRD READING

Senator Hance moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 631** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Moore.

Absent-excused: Meier, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 898 ON THIRD READING

Senator Parker moved to suspend the regular order of business to take up for consideration on its third reading and final passage:

S.B. 898, Providing for better public understanding of policies and easier readability of terms contained in individual accident and sickness insurance; etc., and declaring an emergency.

The motion prevailed by the following vote: Yeas 21, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, McKnight, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Williams.

Nays: Clower, Doggett, Farabee, Longoria, Mengden, Patman, Truan.

Absent: Moore.

Absent-excused: Meier, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

By unanimous consent, Senator Truan offered the following amendment to the bill:

Amend Senate Bill 898 by striking quoted Subsection F of Section 2 on page 3, and relettering quoted subsection E on page 3 as subsection F, quoted subsection F on page 4 as subsection G, and quoted subsection G on page 5 as subsection H.

The amendment was read and failed of adoption by the following vote: Yeas 9, Nays 20.

Yeas: Clower, Doggett, Farabee, Longoria, Mengden, Patman, Schwartz, Sherman, Truan.

Nays: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, McKnight, Moore, Ogg, Parker, Santiesteban, Traeger, Williams.

Absent-excused: Meier, Snelson.

The bill was finally passed by the following vote: Yeas 20, Nays 9.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, McKnight, Moore, Ogg, Parker, Santiesteban, Schwartz, Traeger, Williams.

Nays: Clower, Doggett, Farabee, Hance, Longoria, Mengden, Patman, Sherman, Truan.

Absent-excused: Meier, Snelson.

SENATE BILL 305 WITH HOUSE AMENDMENTS

Senator Doggett called **S.B. 305** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend S.B. No. 305 by striking Section 2 on page 27 and 28 and substituting the following:

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend **S.B. 305** on page 9, Section 6, line 6, by striking all of Section 6(a), and substituting therefor the following:

"Section 6. Regulations. (a) It is unlawful for any manufacturer to manufacture mobile homes in this state unless such manufacturer has supplied the department with proof of acceptance by a Design Approval Primary Inspection Agency authorized by the Department of Housing and Urban Development, has purchased the required labels, and has all mobile homes manufactured in this state inspected by an accepted In-Plant Inspection Agency authorized by the Department of Housing and Urban Development ~~(been issued a certificate of acceptability by the department for each manufacturing facility).~~

Committee Amendment No. 3

Amend **S.B. 305** on page 15, Section 11(b) by adding a new subsection (3) as follows and renumbering the present subsections appropriately:

"(3) The fees in subsections (1) and (2) shall not be applicable when an accepted inspection agency authorized by the Department of Housing and Urban Development, other than the Department, acts as the DAPIA or IPIA."

The amendments were read.

Senator Doggett moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Meier, Snelson.

COMMITTEE SUBSTITUTE SENATE BILL 596 RECOMMITTED

On motion of Senator Andujar and by unanimous consent, **C.S.S.B. 596** was recommitted to the Committee on Economic Development.

SENATE BILL 232 ON THIRD READING

Senator Schwartz moved to suspend the regular order of business to take up for consideration on its third reading and final passage:

S.B. 232, A bill to be entitled An Act defining certain terms as used herein, prescribing employment contracts of a specified duration for certain teachers in this State, prescribing the causes by which and the procedures by which certain teacher employment contracts may be terminated, providing for review of orders discharging

and dismissing certain teachers holding term contracts; under which certain teachers may resign and penalties for failure to fulfill contract obligations; and declaring an emergency.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Adams, Creighton, Farabee, Harris, Jones of Taylor, McKnight, Mengden, Moore, Traeger.

Absent-excused: Meier, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 8.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Adams, Creighton, Farabee, Harris, Jones of Taylor, McKnight, Mengden, Moore.

Absent-excused: Meier, Snelson.

SENATE BILL 888 ON THIRD READING

Senator Jones of Taylor moved to suspend the regular order of business to take up for consideration on its third reading and final passage:

S.B. 888, Relating to the labeling requirements of distributors for prescription drugs; amending Chapter 517, Acts of the 64th Legislature, Regular Session, 1975, (codified as Article 4542c, Vernon's Texas Civil Statutes); and declaring an emergency.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Williams.

Nays: Clower, Doggett, Mauzy, Patman, Truan.

Absent-excused: Meier, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Patman, Mauzy and Doggett asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 1207 ON SECOND READING

Senator Sherman moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1207, Adopting the Natural Resources Code, a formal revision of the statutes relating to the public domain, oil, gas, and other natural resources; making conforming amendments to other laws; repealing the laws replaced by the code.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Mauzy, McKnight, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Adams, Aikin, Andujar, Creighton, Kothmann, Lombardino, Longoria, Moore, Patman.

Absent-excused: Meier, Snelson.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment by the following vote: Yeas 16, Nays 13.

Yeas: Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, McKnight, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Adams, Aikin, Andujar, Braecklein, Creighton, Harris, Kothmann, Lombardino, Longoria, Mauzy, Moore, Patman, Traeger.

Absent-excused: Meier, Snelson.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 1207 ON THIRD READING

Senator Sherman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1207** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members present): Yeas 17, Nays 12.

Yeas: Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Longoria, McKnight, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Adams, Aikin, Andujar, Braecklein, Creighton, Harris, Kothmann, Lombardino, Mauzy, Moore, Patman, Traeger.

Absent-excused: Meier, Snelson.

HOUSE BILL 444 ON THIRD READING

Senator Patman moved to suspend the regular order of business to take up for consideration on its third reading and final passage:

H.B. 444, A bill to be entitled An Act relating to the establishment and operation of a pilot multipurpose service center for displaced homemakers.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Adams, Aikin, Creighton, Harris, Jones of Taylor, Mauzy, Moore, Traeger.

Absent-excused: Meier, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 8.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Adams, Aikin, Creighton, Harris, Jones of Taylor, Mauzy, Moore, Traeger.

Absent-excused: Meier, Snelson.

COMMITTEE SUBSTITUTE SENATE BILL 1146 ON SECOND READING

Senator McKnight moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1146, Relating to political contributions and expenditures by corporations, labor unions, and other legal entities; amending Section 239, Texas Election Code, as amended (Article 14.03, Vernon's Texas Election Code); repealing Sections 242 and 317, Texas Election Code, as amended (Articles 14.06 and 15.17, Vernon's Texas Election Code); repealing Section 4b, Chapter 104, Acts of the 48th Legislature, 1943 (Article 5154a, Vernon's Texas Civil Statutes).

The vote on the motion to suspend the regular order was: Yeas 19, Nays 10.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Hance, Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Santiesteban, Sherman, Traeger, Williams.

Nays: Braecklein, Clower, Doggett, Farabee, Jones of Harris, Kothmann, Parker, Patman, Schwartz, Truan.

Absent-excused: Meier, Snelson.

On motion of Senator McKnight and by unanimous consent, consideration of C.S.S.B. 1146 was withdrawn.

MOTION TO PLACE SENATE JOINT RESOLUTION 52 ON SECOND READING

Senator Jones of Taylor asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.J.R. 52, Proposing an amendment to Sections 4 and 5, Article XI, Constitution of the State of Texas, to lower the minimum population required for a city to adopt or amend a home rule charter to include cities having more than 1,500 inhabitants; and providing for forfeiture of charters of cities whose population declines to 1,500 inhabitants or less.

There was objection.

Senator Jones of Taylor then moved to suspend the regular order of business and take up **S.J.R. 52** for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 17, Nays 12.

Yeas: Adams, Aikin, Andujar, Brooks, Doggett, Farabee, Hance, Jones of Taylor, Lombardino, McKnight, Mengden, Ogg, Parker, Schwartz, Sherman, Traeger, Williams.

Nays: Braecklein, Clower, Creighton, Harris, Jones of Harris, Kothmann, Longoria, Mauzy, Moore, Patman, Santiesteban, Truan.

Absent-excused: Meier, Snelson.

SENATE BILL 839 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 839, Relating to private clubs operated under the pool system of storing alcoholic beverages; amending Paragraph (c) and repealing Paragraphs (c-1) and (c-2), Subsection 1, Section 15(e), Article I, Texas Liquor Control Act, as amended (Article 666-15e, Vernon's Texas Penal Auxiliary Laws).

(Senator Brooks in Chair)

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Sherman, Williams, Adams, Mauzy, Hance and Aikin asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 839 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 839** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan.

Nays: Adams, Aikin, Mauzy, Sherman, Williams.

Absent: Moore.

Absent-excused: Meier, Snelson.

(President in Chair)

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Adams, Mauzy, Hance, Aikin, Williams and Sherman asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 113 ON SECOND READING

On motion of Senator Mengden and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 113, Creating a prosecuting attorneys coordinating council; providing for membership, duties, and powers; providing for the reprimand, disqualification, and removal of prosecuting attorneys under certain circumstances; providing a severability clause; and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 113 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 113** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Meier, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE RULE 103 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Human Resources might consider **S.B. 1257, H.B. 1854 and S.B. 764** today.

SENATOR ANNOUNCED PRESENT

Senator Meier who had previously been recorded as "Absent-excused" was announced "Present".

RECESS

On motion of Senator Aikin the Senate at 12:11 o'clock p.m. took recess until 3:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 3:00 o'clock p.m. and was called to order by the President.

SENATOR ANNOUNCED PRESENT

Senator Snelson who had previously been recorded as "Absent-Excused" was announced "Present".

LEAVE OF ABSENCE

Senator Schwartz was granted leave of absence for the remainder of today on account of important business on motion of Senator Mauzy.

MESSAGE FROM THE HOUSE

House Chamber
May 2, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. No. 151, Recalling H.B. 1319 from the House.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

VOTE ON FINAL PASSAGE OF HOUSE BILL 1319 RECONSIDERED

On motion of Senator Jones of Taylor and by unanimous consent, the vote by which **H.B. 1319** was finally passed was reconsidered.

Question - Shall **H.B. 1319** be finally passed?

HOUSE CONCURRENT RESOLUTION 151 ON SECOND READING

The President laid before the Senate on its second reading:

H.C.R. 151, Recalling H.B. 1319 from The House of Representatives.

The resolution was read.

On motion of Senator Jones of Taylor and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 1275 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment: (The bill having been set as Special Order for today on April 28 and consideration having been postponed earlier today.)

S.B. 1275, Relating to worker's compensation regulations and benefits; amending Section 12c of Article 8306, Revised Civil Statutes of Texas, 1925, as amended; amending Section 12c-1 of Article 8306, Revised Civil Statutes of Texas, 1925, as amended; amending Article 8306, Revised Civil Statutes of Texas, 1925, as amended, by adding thereto a new Section designated as Section 12c-1a; amending Subsection (c), Section 29, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; amending Subsection (a), Section 7-e, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; amending Section 9 of Article 8306, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Question - Shall the bill be passed to engrossment?

Senator Meier offered the following amendment to the bill:

Amend Senate Bill 1275 by deleting Section 3 therefrom and substituting in lieu thereof the following:

"Section 3. Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding thereto Section 12c-1a to read as follows:

Sec. 12c-1a. CONFIDENTIALITY OF CLAIM FILES. Information in worker's compensation claim file, other than official orders, awards, approvals of

compromise settlement agreements, and compromise settlement agreements themselves, is confidential but may be disclosed to the following persons if there is a worker's compensation claim for the named claimant open or pending before the Industrial Accident Board or on appeal to a court of competent jurisdiction from the Board at the time the record search request or request for information is presented to the Board:

- (1) The Claimant;
- (2) The attorney for the Claimant;
- (3) The carrier;
- (4) The employer at the time of the current injury;
- (5) Third party litigants.

(b) Information contained in official orders, awards, approvals of compromise settlement agreements and compromise settlement agreements themselves in the possession of the Industrial Accident Board shall be disclosed upon the request of any person in conformity with the Open Records Act, including but not limited to the claimant's name, the claimant's social security number, the claimant's employer and the employer's address, the insurance carrier, the date and location of the Board's action, the name of the attorney and or other person representing the claimant, and the amount of the award or settlement approved by the Board."

The amendment was read.

Question - Shall the amendment be adopted?

Pending discussion of the amendment, Senator Brooks occupied the Chair.

(President in Chair)

COMMITTEE ON HUMAN RESOURCES GRANTED PERMISSION TO MEET

On motion of Senator Brooks and by unanimous consent, the Committee on Human Resources was granted permission to meet while the Senate was in session.

MESSAGE FROM THE HOUSE

House Chamber
May 2, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Pursuant to H.C.R. No. 151 we are returning **H.B. 1319** to the Senate.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 1319 ON FINAL PASSAGE

On motion of Senator Jones of Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its final passage:

H.B. 1319, Relating to the composition of the 27th and 35th Judicial Districts.

The bill was again finally passed.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H.C.R.	54	H.B.	533
H.C.R.	18	H.B.	615
H.C.R.	72	H.B.	656
H.C.R.	86	H.B.	748
H.C.R.	89	H.B.	769
H.C.R.	96	H.B.	920
H.C.R.	105	H.B.	1029
H.C.R.	109	H.B.	1245
H.C.R.	111	H.B.	1304
H.C.R.	149	H.B.	1653
H.B.	202	H.B.	1876
H.B.	244	H.B.	2058

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
May 2, 1977

TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment to be effective July 1, 1977: **TO BE DISTRICT JUDGE OF THE 126TH JUDICIAL DISTRICT OF TEXAS, TRAVIS COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:** The Honorable Jim Dear of Austin, Travis County is replacing Judge James R. Meyers of Austin, Travis County who resigned.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committee indicated:

H.B. 2141, To Committee on Intergovernmental Relations.
H.B. 2180, To Committee on Natural Resources.
H.B. 1788, To Committee on State Affairs.
H.B. 1963, To Committee on Jurisprudence.
H.B. 2142, To Committee on Intergovernmental Relations.
H.B. 2059, To Committee on Human Resources.
H.B. 1772, To Committee on State Affairs.
H.B. 2181, To Committee on Natural Resources.
H.B. 1416, To Committee on State Affairs.
H.B. 1536, To Committee on State Affairs.
H.B. 1646, To Committee on Finance.
H.B. 1338, To Committee on Economic Development.
H.B. 1557, To Committee on Economic Development.
H.B. 2147, To Committee on Intergovernmental Relations.
H.B. 2159, To Committee on Natural Resources.
H.B. 2191, To Committee on Intergovernmental Relations.
H.B. 1712, To Committee on State Affairs.
H.B. 1747, To Committee on Natural Resources.
H.B. 2132, To Committee on Natural Resources.
H.B. 1662, To Committee on Natural Resources.
H.B. 1666, To Committee on Education.
H.B. 1945, To Committee on Intergovernmental Relations.
H.B. 624, To Committee on Intergovernmental Relations.
H.B. 1070, To Committee on Natural Resources.
H.B. 1660, To Committee on State Affairs.
H.B. 1591, To Committee on Economic Development.
H.B. 1456, To Committee on Natural Resources.
H.B. 1092, To Committee on Intergovernmental Relations.
H.B. 1382, To Committee on Intergovernmental Relations.
H.B. 1046, To Committee on Economic Development.
H.B. 322, To Committee on Economic Development.

SENATE BILL 1275 ON SECOND READING

The Senate resumed consideration of pending business, the same being S.B. 1275 on its second reading and passage to engrossment with an amendment by Senator Meier pending.

Question - Shall the amendment be adopted?

Pending discussion of the amendment by Senator Meier, Senator Aikin occupied the Chair.

(Senator Adams in Chair)

Pending discussion of the amendment by Senator Meier, Senator Williams occupied the Chair.

(Senator Snelson in Chair)

(President in Chair)

Pending discussion of the amendment by Senator Meier, Senator Ogg occupied the chair.

(Senator Kothmann in Chair)

TUESDAY, MAY 3, 1977

Pending discussion of the amendment by Senator Meier, Senator Clower occupied the Chair.

(Senator Mauzy in Chair)

Pending discussion of the amendment by Senator Meier, Senator Jones of Harris occupied the Chair.

(Senator McKnight in Chair)

Pending discussion of the amendment by Senator Meier, Senator Truan occupied the Chair.

(Senator Snelson in Chair)

Pending discussion of the amendment by Senator Meier, Senator Clower occupied the Chair.

(President in Chair)

Pending further discussion of the amendment by Senator Meier, Senator Jones of Taylor occupied the Chair.

Senator Farabee raised the Point of Order that Senator Traeger's remarks were not in the nature of a question.

The Presiding Officer overruled the Point of Order.

(President in Chair)

Senator Farabee raised the Point of Order that Senator Mengden's remarks were not germane to the amendment.

The President sustained the Point of Order.

(Senator Longoria in Chair)

Question - Shall the amendment be adopted?

S.B. 1308 by Parker

Intergovernmental Relations

Relating to the replacement of the Court of Domestic Relations for Jefferson County with a district court of general jurisdiction; making other provisions relative to the court and the judge of the court; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.091; repealing Chapter 159, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 2338-14, Vernon's Texas Civil Statutes).

BILLS AND RESOLUTION SIGNED

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H.B. 433

H.B. 444

H.B. 1319

H.C.R. 151

(Senator Patman in Chair)

MESSAGE FROM THE HOUSE

House Chamber
May 3, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. No. 150, Authorizing Youth and Government Conference to meet in House and Senate chambers on February 9, 10, 11, 1978.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1275 ON SECOND READING

The Senate resumed consideration of pending business, the same being **S.B. 1275** on its second reading and passage to engrossment with an amendment by Senator Meier pending.

Question - Shall the amendment be adopted?

(Senator Adams in Chair)

Pending further discussion of the amendment by Senator Meier, Senator Clower occupied the Chair.

Senator Farabee raised the Point of Order that Senator Andujar's remarks were not in the nature of a question.

The Presiding Officer sustained the Point of Order.

Senator Farabee raised the Point of Order that Senator Andujar's remarks were not germane to the amendment.

The Presiding Officer sustained the Point of Order.

(President in Chair)

Senator Mauzy moved to suspend all necessary rules, including Senate Rules 13 and 14, in order to continue consideration of **S.B. 1275**.

The motion prevailed by the following vote: Yeas 22, Nays 2.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Meier, Mengden.

Absent: Andujar, Creighton, Harris, Lombardino, Moore, Snelson, Traeger.

(Senator Mauzy in Chair)

Question - Shall the amendment be adopted?

WEDNESDAY, MAY 4, 1977

**ANNOUNCEMENT RELATIVE TO
MEETING OF COMMITTEE ON EDUCATION**

On motion of Senator Mauzy and by unanimous consent, the meeting scheduled for today at 9:00 o'clock a.m. by the Committee on Education was cancelled.

SENATE BILL 1275 ON SECOND READING

The Senate resumed consideration of pending business, the same being **S.B. 1275** on its second reading and passage to engrossment with an amendment by Senator Meier pending.

Question - Shall the amendment be adopted?

Pending discussion of the amendment by Senator Meier, Senator Jones of Harris raised the Point of Order that unauthorized persons were on the Senate floor.

The Presiding Officer sustained the Point of Order and called for strict enforcement of the Rules.

The Sergeant-at-Arms removed the unauthorized persons.

(Senator Jones of Harris in Chair)

Pending discussion of the amendment by Senator Meier, Senator Santiesteban occupied the Chair.

(Senator Hance in Chair)

Pending discussion of the amendment by Senator Meier, Senator Snelson occupied the Chair.

Question - Shall the amendment be adopted?

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

H.B. 52
H.B. 168
H.B. 949
H.B. 1233 (Amended)
S.B. 1223
S.B. 1264
S.B. 1268
S.B. 1279
C.S.S.B. 1252 (Read first time)

By unanimous consent, Senator Adams submitted the following report for the Committee on Administration:

H.B. 1713 (Ordered not printed)
H.C.R. 126 (Ordered not printed)
H.C.R. 124 (Ordered not printed)
S.R. 589
S.R. 581 (Amended)
C.S.H.C.R. 52 (Read first time)

SUBCOMMITTEE ON NOMINATIONS GRANTED PERMISSION TO MEET

On motion of Senator McKnight and by unanimous consent, the Committee on State Affairs, Subcommittee on Nominations was granted permission to meet while the Senate was in session.

SENATE BILL 1275 ON SECOND READING

The Senate resumed consideration of pending business, the same being S.B. 1275 on its second reading and passage to engrossment with an amendment by Senator Meier pending.

Question - Shall the amendment be adopted?

(President in Chair)

Senator Farabee offered the following substitute for the pending amendment:

Amend **S.B. 1275** by deleting Section 3 therefrom and substitute in lieu thereof the following:

Sec. 3. Article 8306, Revised Civil Statutes of Texas, 1925 as amended, is amended by adding thereto Section 12c-1a to read as follows:

"Section 12c-1a. **CONFIDENTIALITY OF CLAIM FILES.**

Information in a worker's claim file is confidential and may not be disclosed except under the following circumstances.

1. If there is a worker's compensation claim for the named claimant open or pending before the Industrial Accident Board or on appeal to a court of competent jurisdiction from the Board at the time a record search or request or request for information is presented to the Board, such information shall be furnished as provided in this section. The first, middle, and last name of the claimant, age and social security number, and if possible, dates of injury and the name of prior employers must be given in the request for information by the requesting party. The Board will furnish the requested information or a record check only to the following:

- "(1) the claimant;
- "(2) the attorney for the claimant;
- "(3) the carrier;
- "(4) the employer at the time of the current injury;
- "(5) third party litigants."

2. All information of the Industrial Accident Board concerning any person who has been finally adjudicated to be a fraudulent claimant (as provided hereinafter) shall not be confidential and shall be furnished to any person requesting such information notwithstanding any other provision of this Act.

3. The Board shall promptly investigate any allegation of fraud relating to any claim. In those cases in which any claimant shall make a fifth claim for compensation within any five year period, the Board shall automatically review the current claim as well as all of the claimant's prior claims to determine whether or not there is a reasonable probability to believe that fraud exists. Should the Board determine that the probability of fraud exists in connection with the current claim or any of the prior claims the Board shall set the matter for a hearing before the Board pursuant to its powers under this section and Article 8307(4). Upon the setting of any such matter the Board shall promptly notify the claimant in writing of the allegation against him and of his rights to attend and offer evidence at such hearing. Said notice shall be mailed by certified mail to the last known address of the claimant, shall state the time and place for such hearing, which shall be within 45 days after determination by the Board that the probability of fraud exists, shall notify the claimant of his right to counsel and his right of access to his complete Board files. Such notice shall be forwarded to the claimant return receipt requested acknowledging receipt at least 30 days before such hearing. Any investigation initiated under this section shall be concluded within 60 days unless by a unanimous

The President announced at 9:54 o'clock a.m. that Senator Meier had broker an existing State record previously held by Senator Mike McKool with 42 hours and 34 minutes of continuous talking.

At 9:54 o'clock a.m. Senator Meier continued his discussion, concluding at 10:20 o'clock a.m. with 43 hours of continuous talking.

vote of the Board the time is extended which in no event shall be more than an additional 60 days.

4. In addition to the powers granted under Article 8307(4), the Board or any member thereof shall have the power to compel the attendance of witnesses, take evidence, and require the production of any records in conjunction with such hearing. The claimant shall likewise have the same power to compel the attendance of witnesses and the production of records and documents.

5. After any such hearing the Board shall reduce its findings to writing and provide the claimant with a copy of such findings. If the Board determines that the claimant has been fraudulent in any or all of his claims for compensation the Board shall then classify such claimant as a fraudulent claimant which designation shall be final unless appealed by the claimant as hereinafter provided. Actions taken by the Board pursuant to this procedure may be appealed by the aggrieved person by trial de novo, to a district court of competent jurisdiction in the county of his residence whose final judgment shall be determinative of his classification as a fraudulent claimant. Appeal hereunder shall be in accordance with Section 5, Article 8307.

6. Pending any investigation and hearing or appeal of allegations of fraud pursuant to this section, the Board shall not approve any compromise settlement agreement or make any final award in connection with any of said worker's claims then pending before the Board.

7. If any worker shall be finally adjudicated to be a fraudulent claimant such fact shall automatically be furnished to any employer, any insurance carrier as well as any attorney for the claimant as regards all claims then pending before the Board and as regards all future claims which that claimant may thereafter file with the Industrial Accident Board; otherwise, the Board shall process such claim as generally provided under the workmen's compensation law.

8. "(a) In order to carry out the above mandates the Industrial Accident Board shall establish an investigative division of the Board with complete power to investigate any and all allegations of fraudulent claim practices which may be submitted to the Board or which may be uncovered through its own efforts. The Board through its investigative division shall cooperate with professional grievance committees, law enforcement officials, and other state agencies in the investigation and prosecution of fraudulent practices.

(b) The Board may employ attorneys, investigators, and clerical help necessary to the functioning of its investigators, and clerical help necessary to the functioning of its investigative division.

9. Nothing herein shall prohibit any person from receiving from the Industrial Accident Board all information contained in any record or file of the Industrial Accident Board in statistical form and in such manner as not to disclose the name or identity of any person, except as provided herein above.

FARABEE
MAUZY

The substitute for the pending amendment was read.

Senator Doggett moved the Previous Question on the pending amendments and on the passage to engrossment of **S.B. 1275**. The motion was duly seconded by Senators Brooks, Braecklein, Jones of Harris, Aikin and Mauzy.

The Previous Question was then ordered by the following vote: Yeas 17, Nays 12.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Parker, Santiesteban, Truan, Williams.

Nays: Andujar, Harris, Lombardino, McKnight, Meier, Mengden, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger.

Absent: Creighton, Moore.

Question - Shall the substitute for the pending amendment be adopted?

The substitute for the pending amendment was then adopted by the following vote: Yeas 24, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Lombardino, Meier, Mengden, Snelson, Traeger.

Absent: Creighton, Moore.

The amendment as substituted was then adopted.

RECORD OF VOTES

Senators Meier and Mengden asked to be recorded as voting "Nay" on the adoption of the amendment as substituted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

Question - Shall the bill as amended be engrossed?

The bill as amended was then passed to engrossment by the following vote: Yeas 23, Nays 6.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Nays: Andujar, Harris, Lombardino, Meier, Mengden, Traeger.

Absent: Creighton, Moore.

MEMORIAL RESOLUTIONS

S.R. 605 - by McKnight: Memorial resolution for Charles Lenhart Behrens.

S.R. 609 - by Adams: Memorial resolution for Edward Cohagen.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 93 - by Adams: Extending congratulations to *The Lufkin News*, Editor Joe Murray, and Ken Herman.

S.R. 603 - by Doggett: Extending welcome to Bedichek Junior High School 8th Grade Government Class.

S.R. 604 - by Clower: Extending welcome to Reverend Ed Spivey.

S.R. 606 - by Clower: Extending welcome to Drane Middle School Students.

S.R. 607 - by Clower: Extending welcome to Reverend Ed Spivey.

S.R. 608 - by Farabee: Extending welcome to Allen King.

S.R. 610 - by Adams: Extending congratulations to McNeil Sanders.

S.R. 611 - by Lombardino: Extending congratulations to Helen Baetz, Billy Simon and Kathy Kirst.

ADJOURNMENT

Senator Mauzy at 10:49 o'clock a.m. moved the Senate stand adjourned until 10:50 o'clock a.m. today.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Creighton, Harris, Lombardino, Meier, Mengden, Snelson, Traeger.

Absent: Moore.

Accordingly, the Senate at 10:49 o'clock a.m. adjourned until 10:50 o'clock a.m. today.

APPENDIX**Sent to Governor**

(May 2, 1977)

S.C.R. 1
S.C.R. 63
S.C.R. 67
S.C.R. 68
S.C.R. 71
S.B. 102
S.B. 252
S.B. 284
S.B. 362
S.B. 484
S.B. 561
S.B. 688
S.B. 731
S.B. 806
S.B. 1042

SIXTY-FIRST DAY

(Wednesday, May 4, 1977)

The Senate met at 10:50 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Father Dennis Maynard, Church of the Epiphany, Richardson, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill: